REMARKS

In the Office Action mailed April 19, 2007 the Examiner noted that claims 1-52 were pending and rejected all claims. Claims 1, 25, 28, 31, 32 and 44-52 have been amended and, thus, in view of the forgoing claims 1-52 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objection are traversed below.

An Interview was conducted with the Examiner and the substance is discussed below.

In the Office Action the Examiner objected to claim 52 and required correction. Claim 52 has been so corrected. Withdrawal of the objection is requested.

In the Office Action, the Examiner rejected claim 45 under 35 U.S.C. section 112 paragraph 2 as indefinite. Claim 45 has been amended in consideration of the Examiner's comments and it is submitted it satisfies the requirements of the statute. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the rejection is requested.

In the Office Action the Examiner rejected claims 50-52 under 35 U.S.C. section 101 as non-statutory. Claims 50-52 have been amended in consideration of the Examiner's comments and it is submitted they satisfy the requirements of the statute. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the rejection is requested.

On page 3 of the Office Action, the Examiner rejected claims 32, 33 and 50-52 under 35 U.S.C. § 102 as anticipated by Strauss. Page 7 of the Office Action rejects claims 1-4, 6, 7, 10, 11, 14, 15, 20, 23, 27, 27 and 44-49 under 35 U.S.C. § 103 over Strauss. Page 15 of the Office Action rejects claims 8, 9, 13, 24 and 34-38 under 35 U.S.C. § 103 over Strauss and Iwema. Page 18 of the Office Action rejects claims 16 and 40 under 35 U.S.C. § 103 over Strauss and Hoeber. Page 15 of the Office Action rejects claims 8, 9, 13, 24 and 34-38 under 35 U.S.C. § 103 over Strauss and Iwema. Page 19 of the Office Action rejects claims 5, 12, 19, 29, 30 and 43 under 35 U.S.C. § 103 over Strauss and Nicholas. Page 21 of the Office Action rejects claims 39 under 35 U.S.C. § 103 over Strauss and Excel. Page 22 of the Office Action rejects claims 17, 18, 41 and 42 under 35 U.S.C. § 103 over Strauss, Hoeber and Nicholas. Page 23 of the Office Action rejects claim 31 under 35 U.S.C. § 103 over Strauss, Iwema and Nicholas.

As discussed with the Examiner in the Interview, Strauss is designed to allow a user to

change a function being performed while in the middle of a drag operation ("The invention provides an unambiguous way for a user to change the drag functionality of a cursor during a drag operation" see Strauss Abstract, last 8 lines). As a result, the drag tool bar or menu is specifically made visible during the drag operation ("Further, the graphical user interface is not cluttered, since the Drag Toolbar only appears when a drag operation is initiated." see Strauss Abstract, last 5 lines).

In contrast, when a function is active in the present invention, the menu or tracking region is not visible (see, for example, application paragraph 8). This is emphasized in claim 1 by " the menu is ... always not visible when one of the controls is activated".

The drag tool bar 7/40 or menu of Strauss is designed to be visible during the drag operation and a different drag operation, say copy instead of move, can be selected by passing the cursor over the copy button ("FIG. 1C shows that the user has moved the cursor 4 over the COPY control button 8, thus creating a detectable event that selects that function to replace the default MOVE function for the drag operation." see Strauss, col. 3, line 66 - col. 4, line 2). Strauss has a secondary feature called a follow me zone 41, which is designed to allow the drag tool bar to be pulled around by the movement of the cursor 4 during a drag operation. The follow me zone 42 boundary is intentionally not coincident with the menu boundary. As shown to the Examiner in the Interview, when the menu boundary and the follow me zone boundary are made coincident, errors in drag operation occurs because the cursor can be unintentionally be caused to cross the menu selecting a different operation. That is, making the follow me boundary coincident with the menu boundary, as the Examiner has suggested, would destroy the purpose of the visibility of the menu during the drag operation called for by Strauss ("unambiguous way to ... change" see above). As a result, it is submitted that Strauss would not be modified as the Examiner has suggested to make the follow me boundary coincident with the menu boundary.

In contrast, claim 1 calls for "a menu having a menu boundary and comprising a mobile tracking region having a region boundary coincident with the menu boundary".

In addition, claim 1 emphasizes that "the menu is always visible when one of the controls is not activated". This is in contrast to the prior art of Nicholas where "As shown in FIG. 2A, when the user positions the cursor icon 202b at an active link 212a, the message 204b can be removed from view on the screen as it could be distracting to the user trying to read page 200,

13

and an alternative pointer 202c can appear." see Nicholas, col. 6, lines 8-12).

Hoeber and Iwema add nothing to Strauss and Nicholas with respect to the above-discussed features.

The above discussion can be looked to by the Examiner during a review of independent claims 25, 28, 31, 32 and 44-52.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 5 calls for the region to be semi-transparent when the tracking symbol is inactive and transparent when the tracking symbol is active. We note that the menu of Strauss is visible when the drag operation is active, as discussed above. And that the message 204b of Nicholas is "removed from view" when inactive. It is submitted that the dependent claims are independently patentable over the prior art.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 101 and 112. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,
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